

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF WABASH )  
VALLEY POWER ASSOCIATION, INC. PURSUANT TO )  
IND. CODE §8-1-8.5 ET SEQ AND IN. CODE §8-1-2-76, 77, )  
78, 79, 80, 83 AND 84 FOR (1) ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO ACQUIRE AND/OR CONSTRUCT UP )  
TO 15 MWS OF LANDFILL GAS GENERATING )  
FACILITIES AND (2) FOR AUTHORITY TO EXECUTE )  
NOTES AS EVIDENCE OF INDEBTEDNESS UP TO )  
\$30,000,000 PAYABLE AT PERIODS OF MORE THAN )  
TWELVE MONTHS FOR PURPOSES OF FUNDING THE )  
CONSTRUCTION AND/OR PURCHASE OF LANDFILL )  
GAS GENERATING FACILITIES AND RELATED )  
EQUIPMENT )

CAUSE NO. 43640

PREHEARING  
CONFERENCE ORDER

APPROVED:

MAR 11 2009

BY THE COMMISSION:

Gregory D. Server, Commissioner

Aaron A. Schmoll, Administrative Law Judge

On February 5, 2009, Petitioner Wabash Valley Power Association, Inc. ("Petitioner") filed its petition with the Indiana Utility Regulatory Commission ("Commission") in this matter.

Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference in this Cause was held in Room 224 of the National City Center, 101 West Washington Street, Indianapolis, Indiana at 1:30 p.m., on March 5, 2009. Proof of publication of the notice of the Prehearing Conference has been incorporated into the record and placed in the official files of the Commission. The Petitioner and the Indiana Office of Utility Consumer Counselor ("Public" or "OUCC") appeared and participated at the Prehearing Conference. No members of the general public appeared.

Prior to the opening of the record and with the consent of all parties in attendance, an informal discussion was held regarding procedural and scheduling matters in this Cause. The agreement of the parties was then read into the record.

Based upon the agreement of the parties, the Commission now enters the following Findings and Order, which should become a part of the record in this proceeding:

1. Petitioner's Prefiling Date. The Petitioner prefiled with the Commission its prepared testimony and exhibits constituting its case-in-chief on April 6, 2009. Copies of same should be served upon all parties of record.

2. **Public's and Intervenors' Prefiling Date.** Public and all Intervenors should prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before April 24, 2009. Copies of same should be served upon all parties of record.

3. **Petitioner's Rebuttal Prefiling.** The Petitioner should prefile with the Commission its prepared rebuttal testimony on or before May 1, 2009. Copies of same should be served upon all parties of record.

4. **Evidentiary Hearing on the Parties' Cases-In-Chief.** In the event this Cause is not settled, the cases-in-chief of the Petitioner, Public, and any Intervenors should be presented in an Evidentiary Hearing to commence at 9:30 a.m., on May 13, 2009 in Room 224 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. At such time, the direct evidence of the respective parties should be presented and their respective witnesses examined. Thereafter, Petitioner should present its prefiled rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of Public's or Intervenors' witnesses. If the parties reach settlement, the agreement should be submitted to the Commission five (5) business days prior to the Evidentiary Hearing.

5. **Discovery.** Discovery is available for all parties and should be conducted on an informal basis. Any response or objection to a discovery request should be made within ten (10) calendar days of the receipt of such request. After April 24, 2009, any response or objection to a discovery request should be made within five (5) business days of the receipt of such request.

6. **Prefiling of Workpapers.** When prefiling technical evidence with the Commission, each party should file copies of the work papers used to produce that evidence within two (2) business days after the prefiling of such technical evidence. Copies of same should also be served on the other parties to this Cause. When submitting workpapers to the Commission, two (2) copies of each document should be filed with the Secretary of the Commission.

7. **Number of Copies/Corrections.** With the exception of work papers, the parties should file with the Commission an original and five (5) copies of all prefiled testimony and exhibits. Any corrections to prefiled testimony should be made in writing as soon as possible after discovery of the need to make such corrections. Although the Commission's rules require that original copies be one-sided, it is the Commission's preference that duplicate copies use both sides of the paper.

8. **Intervenors.** Any party permitted to become an Intervenor in this Cause should be bound by the record as it stands at the time its Petition to Intervene is granted, pursuant to 170 IAC 1-1.1-11.


**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:**

1. The determinations of the Prehearing Conference set forth in this Order are made a part of the record in this Cause and shall be binding on all present and future parties of record during the proceedings of this Cause.
2. This Order shall be effective on and after the date of its approval.

**HARDY, GOLC, LANDIS, SERVER, AND ZIEGNER CONCUR:**

**APPROVED: MAR 11 2009**

**I hereby certify that the above is a true  
and correct copy of the Order as approved.**

  
**Brenda A. Howe**  
**Secretary to the Commission**